ORIGINAL FILE

GTE Spacenet Corporation

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Federal Communications Commission
Office of the Secretary

April 10, 1992

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Petition for Rule Making for Amendment of Part 80 of the Commission's Rules
RM 7912

Dear Ms. Searcy:

Transmitted herewith for filing on behalf of GTE Spacenet Corporation is an original and required copies of its partial petition to deny and comments in the above-referenced matter.

Should any questions arise, please contact the undersigned at (703) 848-1514.

Sincerely,

Sheila Mellody

Sheila Mellody

SAM:kc

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
CRESCOMM TRANSMISSION SERVICES, INC.	)	RM 7912
	)	
Petition for Rule Making for Amendment of Part 80 of the Commission's Rules	)	

PARTIAL PETITION TO DENY AND COMMENTS OF GTE SPACENET CORPORATION

GTE Spacenet Corporation ("GTE Spacenet") herein submits this partial petition to deny and comments to the above-referenced petition for rulemaking:

I. INTRODUCTION

On March 11, 1992, the Commission placed on Public Notice a petition for rule making filed by Crescomm Transmission Services, Inc. ("Crescomm") to add a new section to Part 80 of the Commission's Rules for the operation of digital shipboard earth stations ("DSES"). The proposed new rule would permit DSES's to be licensed for operation on board ships and to communicate, while within the service area or footprint of a given satellite system, with fixed or temporary-fixed earth stations using the 4/6 GHz ("C-Band") or 12/14 GHz ("Ku-Band") frequencies currently allocated on a primary basis to domestic fixed-satellite services ("FSS"). The petition filed by Crescomm would, in essence, appear to require a reallocation of the C- and Ku-Band FSS frequencies to allow a maritime mobile-satellite service to be provided.

GTE Spacenet is a domestic fixed-satellite services licensee, and as such is an interested party with respect to any proposed reallocation of the FSS frequency bands. For

the reasons discussed below, GTE Spacenet would support granting Crescomm a waiver of the Table of Frequency Allocations 47 C.F.R. §2.106 to provide MMSS as a non-conforming use of the C- and Ku-Bands. GTE Spacenet opposes, however, an outright reallocation of the C- and Ku-Bands to accommodate MMSS due to concerns over potential adverse impact upon FSS operations in these bands. A non-conforming use approval will satisfy Crescomm's request to provide MMSS in these bands, provide for an expedient delivery of MMSS to the public, and yet still safeguard the operations of existing C- and Ku-Band FSS services.

II. A WAIVER OF THE ALLOCATIONS TABLE FOR NON-CONFORMING USE SHOULD BE GRANTED IN LIEU OF REALLOCATION OF THE C- AND KU-BANDS

As noted above, Crescomm's petition for rulemaking would appear to require a reallocation of the C- and Ku-Bands to permit MMSS to share spectrum currently allocated on a primary basis to the FSS (at C-Band, fixed terrestrial services share a primary allocation with the FSS). A reallocation to accommodate maritime mobile-satellite services would not be the optimal solution in either of these frequency bands, as the impact upon existing FSS and fixed terrestrial services could be such that existing users of the bands would experience harmful interference. This is particularly true at C-Band, where coordination could be extremely difficult given the mobility of the digital shipboard earth stations. A more extensive study of the potential for harmful interference into existing FSS operations would, in GTE Spacenet's view, be essential before any changes are made to the Allocations Table.

Recognizing that the above concerns could take an inordinate amount of time to

resolve, and that such investigations into potential interference would delay providing the proposed services to the public, GTE Spacenet proposes that the Commission allow Crescomm to use the C- and Ku-Bands for its MMSS services, subject to specific conditions under a waiver of the Table of Frequency Allocations for non-conforming use. There is ample precedent to allow the Commission to adopt this solution.[1]

Under a waiver approval for non-conforming uses, the assignment is conditioned on the non-conforming user not causing harmful interference to services operating in accordance with the Table. As long as Crescomm's proposed services are compatible with existing FSS services, and can be provided while operating in compliance with the Commission's specified earth station performance characteristics and power density limits, then there are no technical objections to the service offering. If the service cannot be operated within these limits, however, then Cresscom must show that it will not cause harmful interference into services operating on an adjacent satellite. As a non-conforming service provider, Crescomm would be required to accept interference from the primary FSS services if coordination cannot resolve interference problems, and would be required to either resolve interference problems or cease transmitting if FSS services are adversely affected.

A further restriction is required for operating MMSS in the C-Band frequencies, as the C-Band earth stations must be prior coordinated with terrestrial systems. This coordination could only be accomplished if the shipboard earth station is planned to be

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[1] See, DBS Systems, 92 FCC 2d 64, 68 (1982). Also, Qualcomm Inc. 4 FCC Rcd 1543, 1544 at para 11 (1989).

operated only when the ship is at a specific, pre-determined location. Otherwise, frequency coordination would not be possible, as the earth station would be frequently changing locations. Even minor changes in a ship's location while in port or close to the shore could affect the interference environment, with transmission from the ship having the potential to cause interference into C-Band terrestrial systems. In addition, transmissions to the shipboard earth stations would be subject to interference from terrestrial systems. Therefore, use of C-Band systems for this service is not considered practical unless the ship is far out to sea (e.g., at least 250 miles offshore), or will be operated at a specific location for which frequency coordination can be accomplished.

GTE Spacenet submits that a waiver of the Table of Frequency Allocations for a non-conforming use could be expeditiously granted to Crescomm if the above conditions are imposed in granting it authority. Such authority will allow Crescomm to begin providing services as soon as possible, yet in a manner that safeguards existing FSS users from potential harmful interference.

III. CONCLUSION

For the foregoing reasons, GTE Spacenet urges the Commission to maintain the existing Table of Frequency Allocations; to allow Cresscom to provide maritime mobile-satellite services under a waiver for non-conforming service; and to expressly impose the above-mentioned conditions on grant of Crescomm's waiver authority.

Respectfully submitted,

GTE SPACENET CORPORATION

Thomas C. Natoli
Vice President, Corporate Affairs
1700 Old Meadow Road
McLean, Virginia 22102

April 10, 1992

CERTIFICATE OF SERVICE

I, Karen M. Cameron, hereby certify that copies of the foregoing "Partial Petition to Deny and Comments" were served by first-class mail, postage prepaid, this 10th day of April, 1992, to the following:

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Karen M. Cameron
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